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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/629,398	07/29/2003	Sarah Zeller	200209155-1	7218
22879	7590	10/05/2005	EXAMINER	
HEWLETT PACKARD COMPANY P O BOX 272400, 3404 E. HARMONY ROAD INTELLECTUAL PROPERTY ADMINISTRATION FORT COLLINS, CO 80527-2400			NGUYEN, ANTHONY H	
			ART UNIT	PAPER NUMBER
			2854	

DATE MAILED: 10/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

AK

Office Action Summary	Application No. 10/629,398	Applicant(s) ZELLER ET AL.	
	Examiner Anthony H. Nguyen	Art Unit 2854	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,6-10,12-17 and 19-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,6-10,12-17 and 19-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

In view of the appeal brief filed on July 20, 2005, PROSECUTION IS HEREBY REOPENED. New grounds of rejection are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

- (1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,
- (2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

Claim Rejections - 35 U.S.C. § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) a patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1,3,8, 10,12, 15,17 and 21 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over Sato (US 2002/0159805) in view of Hashimoto et al. (US 6,445,903).

With respect to claims 1,3,8,10,12, 15, 17 and 21, Sato teaches an image forming apparatus and a method for directing and passing a print media through a print mechanism 1 including a main paper path for guiding the print media through a fusing apparatus 151, a media flipper 52 which engages and drives the printed media in a first direction along the path 46 to a discharge tray 42 via a redirector 56 after printing on the media and in a second opposite direction toward one of the second path 45 to the discharge tray 43 and the third path to duplex path 152 via the path 46 (Sato, Figs.3,4,8,11,12, 18 and the paragraph [082]). Sato does not teach the stacker mounted in proximity to the fuser. Hashimoto et al. teaches a printer having a stacker 2 mounted in proximity to the fuser apparatus as shown in Figs.1 and 3 of Hashimoto et al. In view of the teaching of Hashimoto et al., it would have been obvious to one of ordinary skill in the art to modify the image forming apparatus of Sato by providing the stacker as taught by Hashimoto et al. to improve the efficiency of production of a printer.

Claims 2, 6, 9, 13, 16 and 19 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over Sato in view of Hashimoto et al. as applied to claims 1,3,8, 10,12, 15,17 and 21 above, and further in view of Muraoka et al. (US 6,353,727).

With respect to claims 2, 9 and 16, Sato and Hashimoto et al. teach all that is claimed, except for the foldable tray for holding output. Muraoka et al. teaches a conventional foldable tray for holding output as shown in Figs. 4B and 8B in which the main tray is unobstructed by the foldable tray. In view of the teaching of Muraoka et al., it would have been obvious to one of ordinary skill in the art to modify the printer and steps of Sato and Hashimoto et al. by providing a foldable tray as taught by Muraoka et al. for reducing the size of a printer.

Claims 7, 14 and 20 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over Sato in view of Hashimoto et al. as applied to claims 1,3,8, 10,12, 15,17 and 21 above, and further in view of Katsuyama et al. (US 6,690,901).

Sato and Hashimoto et al. teach all that is claimed, except the print system which is a color print system. Katsuyama et al. teaches a printer having a color print system 5 as shown in Fig.2 of Katsuyama et al. In view of the teaching of Katsuyama et al., it would have been obvious to one of ordinary skill in the art to modify the printer and steps of Hashimoto et al. by substituting the color print system as taught by Katsuyama et al. for ensuring optimal print quality in place of the printing system 6,7 of Hashimoto et al.

Response to Arguments

Applicant's arguments with respect to claims 1-3, 6-10, 12-17 and 19-21 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

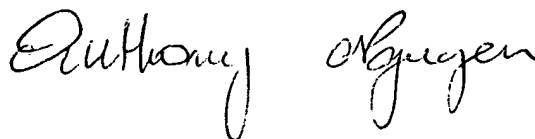
The patent to Shimizu et al. is cited to show other structures and methods having obvious similarities to the claimed structure and method.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony Nguyen whose telephone number is (571) 272-2169. The examiner can normally be reached daily from 9 AM to 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld, can be reached on (571) 272-2168.

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The fax phone number for this Group is (571) 273-8300.

A handwritten signature in black ink, appearing to read "Anthony Nguyen". The signature is fluid and cursive, with the first name "Anthony" and the last name "Nguyen" clearly distinguishable.

Anthony Nguyen

09/30/2005

Patent Examiner

Technology Center 2800